

## ARTICLE 65

### **DORCHESTER NEIGHBORHOOD DISTRICT**

(⇧ Article inserted on July 17, 2002\*)

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 *Date of public notice: May 30, 2002 (see St. 1956, c. 665, s.5).	
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SECTION 65-1. **Statement of Purpose, Goals, and Objectives.** The purpose of this Article is to establish zoning regulations for the Dorchester Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established

residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote a viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Dorchester.

**SECTION 65-2. Physical Boundaries.** The provisions of this Article are applicable only in the Dorchester Neighborhood District. The boundaries of the Dorchester Neighborhood District and its subdistricts are as shown on Maps 5A - 5E, entitled "Dorchester Neighborhood District," of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 65-3. Applicability.** This Article, together with the rest of this Code, constitute the zoning regulation for the Dorchester Neighborhood District. This Article applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief, in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Dorchester Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal, provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

**SECTION 65-4. Prohibition of Planned Development Areas.** Within the Dorchester Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 65-28.

**SECTION 65-5. Determination of Proper Public Purpose for Projects Subject to Chapter 91 Licensing Requirements.** Where a project, as that term is defined in 310 CMR Section 9.02, is subject to the licensing requirements of Chapter 91 of the General Laws of Massachusetts, the Boston Redevelopment Authority, in making its recommendation to the Department of Environmental Protection of the Commonwealth pursuant to Section 18 of said Chapter 91, shall determine whether or not such project serves a proper public purpose and would not be detrimental to the public's rights in tidal lands based on the extent to which the public's rights in tidal lands are reasonably and appropriately preserved. Without limiting the generality of the foregoing, the Boston Redevelopment Authority shall base such determination on the extent to which a project reasonably and appropriately preserves and enhances, among other things, the public's:

- a. visual access to the water, if such project is for a water-dependent or non-water-dependent use on private or commonwealth tidelands, as defined in Section 1 of said Chapter 91;

- b. navigation, fishing, and fowling, if such project is for a non-water-dependent use on private tidelands; and
- c. physical access to and along the water's edge, the preservation of the historic character of the project's site, public recreational opportunities at the water's edge, and open space for public use and enjoyment, if such project is for a water-dependent or non-water-dependent use on commonwealth tidelands.

**SECTION 65-6. Community Participation.** This Article has been developed with the extensive participation of the Dorchester Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that process, the Boston Redevelopment Authority shall continue to involve the Dorchester Planning and Zoning Advisory Committee, or its successor organization, if any, and Dorchester civic associations, residents, and business and trade groups in an ongoing role in advising the City on land use planning for Dorchester.

## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

**SECTION 65-7. Establishment of Residential Subdistricts.** This Section 65-7 establishes Residential Subdistricts within the Dorchester Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The Following Residential Subdistricts are established:

1. One-Family Residential ("1F") Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain, and promote low-density one-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single building shall be one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single building shall be two (2).
3. Three-Family Residential Subdistricts. Two types of Three-Family Residential Subdistricts, the Three-Family Residential ("3F ") Subdistricts and the Triple-Decker Residential ("3F-D") Subdistricts, are established. The 3F Subdistricts are designed to preserve low-density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family dwellings, to preserve existing structures, to provide for new and infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. The 3F-D Subdistricts are established in areas where triple-decker housing is the predominant housing type, and are designed to accommodate and encourage the construction of triple-decker residential buildings as of right in these subdistricts. In the 3F and 3F-D Subdistricts, the maximum number of Dwelling Units allowed in a single Building shall be three (3), and the maximum number of Town House Buildings or Row House Buildings attached in a row shall be three (3).
- 3A. Row House Residential ("RH") Subdistricts. The Row House Residential Subdistricts are established to preserve, maintain, and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type. In a Row House Subdistrict, the maximum number of dwelling units allowed in a single building is three (3), and the maximum number of Row House Buildings attached in a row is three (3).
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium-density multifamily areas with a

variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

5. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including, one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings, and ground floor Retail and Service Uses.

#### **SECTION 65-8. Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as "C" (conditional) in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Dorchester Neighborhood District.

#### **SECTION 65-9. Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.
2. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line, provided that within a MFR/LS Subdistrict, for a Dwelling with a nonresidential use on the ground floor, the entrance to a Residential Use above the ground floor may be on the side or rear elevation.

### **REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS**

#### **SECTION 65-10. Establishment of Conservation Protection Subdistricts.**

This Section 65-10 establishes Conservation Protection Subdistricts (“CPS”) in the Dorchester Neighborhood District. The Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well-considered plan, and to protect and enhance the natural and scenic resources of Dorchester.

The following Conservation Protection Subdistrict is established:

1. Apple Grove Conservation Protection Subdistrict (CPS)

**Section 65-11. Use Regulations Applicable in Conservation Protection Subdistricts.** Within a Conservation Protection Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as “A” (allowed) or as “C” (conditional). Any use identified as “C” (conditional) in Table A is subject to the provisions of Article 6. Any use identified as “F” (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Conservation Protection Subdistrict.

**Section 65-12. Dimensional Regulations Applicable in Conservation Protection Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.

**Section 65-13. Site Plan Approval Requirement.** In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of its special natural and scenic features in accordance with a plan considering the most desirable land uses for the area, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.

## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

**SECTION 65-14. Establishment of Neighborhood Business Subdistricts.** This



Section 65-14 establishes Neighborhood Business Subdistricts within the Dorchester Neighborhood District. There are three types of Neighborhood Business Subdistricts: Local Convenience ("LC") Subdistricts, providing convenience goods and services for the immediate neighborhood and pedestrians; Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. All three types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services to, as well as jobs and entrepreneurial opportunities for, the Dorchester community.

The following Neighborhood Business Subdistricts are established:

Local Convenience Subdistricts

1. Edward Everett Square Local Convenience (LC) Subdistrict
2. Kane Square Hill Local Convenience (LC) Subdistrict
3. Bowdoin/Hamilton Local Convenience (LC) Subdistrict
4. Bowdoin Street Local Convenience (LC) Subdistrict
5. Bowdoin/Geneva Local Convenience (LC) Subdistrict
6. Four Corners Local Convenience (LC) Subdistrict
7. Codman Hill Local Convenience (LC) Subdistrict
8. Walton Street Local Convenience (LC) Subdistrict
9. Fuller/Rockwell Local Convenience (LC) Subdistrict
10. Adams Village Local Convenience (LC) Subdistrict
11. Neponset Circle Local Convenience (LC) Subdistrict
12. Adams/Ashmont Local Convenience (LC) Subdistrict

Neighborhood Shopping Subdistricts

1. Uphams Corner Neighborhood Shopping (NS) Subdistrict
2. Freeport Street Neighborhood Shopping (NS) Subdistrict
3. Morrissey Boulevard Neighborhood Shopping (NS) Subdistrict
4. Codman Square Neighborhood Shopping (NS) Subdistrict
5. Neponset Circle Neighborhood Shopping (NS) Subdistrict
6. Lower Mills Neighborhood Shopping (NS) Subdistrict

Community Commercial Subdistricts

1. South Bay Community Commercial (CC) Subdistrict
2. Columbia Road Community Commercial (CC) Subdistrict
3. Morrissey Boulevard Community Commercial (CC) Subdistrict

**SECTION 65-15. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within the Neighborhood Business Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as "C" (conditional) in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use

is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

**SECTION 65-16. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

## REGULATIONS APPLICABLE IN WATERFRONT SERVICE SUBDISTRICTS

**SECTION 65-17. Establishment of Waterfront Service Subdistricts.** This Section 65-17 establishes Waterfront Service ("WS") Subdistricts within the Dorchester Neighborhood District. The Waterfront Service ("WS") Subdistricts in the Dorchester Neighborhood District are governed by the provisions of this Article, rather than by Article 42C (Waterfront Service District) of this Code. The following Waterfront Service Subdistrict is established:

1. Port Norfolk Waterfront Service (WS) Subdistrict

**SECTION 65-18. Use Regulations Applicable in Waterfront Service Subdistricts.** Within the Waterfront Service Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as "C" (conditional) in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Waterfront Service Subdistricts.

**SECTION 65-19. Dimensional Regulations Applicable in Waterfront Service Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Waterfront Service Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

## REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

**SECTION 65-20. Establishment of Local Industrial Subdistricts.** This Section 65-20 establishes Local Industrial ("LI") Subdistricts within the Dorchester Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the expansion of light manufacturing and research and development uses in a manner that is sensitive to, and preserves the quality of life of, the surrounding neighborhoods, and to encourage the development of new job opportunities within the Dorchester Neighborhood District.

The following Local Industrial Subdistricts are established:

1. Massachusetts Avenue Local Industrial (LI) Subdistrict
2. Freeport Avenue Local Industrial (LI) Subdistrict
3. Columbia Road Local Industrial (LI) Subdistrict
4. Alsen/Mapes Local Industrial (LI) Subdistrict

**SECTION 65-21. Use Regulations Applicable in Local Industrial Subdistricts.** Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as "C" (conditional) in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

**SECTION 65-22. Dimensional Regulations Applicable in Local Industrial Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

**SECTION 65-23. Performance Standards.** For general performance standards applicable to all industrial uses, see the definition of "Performance Standards" set forth in Article 2A.

## REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

Section 65-24. **Establishment of Community Facilities Subdistricts.** This section 65-24 establishes Community Facilities (“CF”) Subdistricts within the Dorchester Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of community-based facilities in the Dorchester Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the Dorchester Community.

The following Community Facilities Subdistricts are established:

1. John F. Kennedy/UMass Boston Campus Communities Facilities (CF) Subdistrict
2. Sydney Street Community Facilities (CF) Subdistrict

Section 65-25. **Use Regulations Applicable in Community Facilities Subdistricts.** Within a Community Facilities Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as “A” (allowed) or as “C” (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as “F” (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in a Community Facilities Subdistrict.

Section 65-26. **Dimensional Regulations Applicable in Community Facilities Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.

## REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

**SECTION 65-27. Establishment of Open Space Subdistricts.** This Section 65-27 designates Open Space (OS) Subdistricts in the Dorchester Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Dorchester residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the provisions of this Article and the remainder of this Code, including, without limitation, Article 33 (Open Space Subdistricts). In addition to other uses that are conditional within the OS Subdistricts, the following uses shall be conditional in the O.G. Kelly and Tenean Beach Subdistricts, subject to Chapter 665, Section 2, of the Acts of 1956, as amended: (a) parking lot, (b) Public Boat Ramp, and (c) Recreational Marina.

The following types of Open Space Subdistricts are designated in the Dorchester Neighborhood District:

1. Cemetery Open Space (OS-CM) Subdistricts. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistricts. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistricts. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Spaces Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistricts. Recreation Open Space Subdistricts are designated for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
5. Urban Wild Open Space (OS-UW) Subdistricts. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system that includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.
6. Shoreland Open Space (OS-SL) Subdistricts. Shoreland Open Space Subdistricts shall consist of land appropriate for and limited to that which borders on tidewater or the ocean, including land over which the tide ebbs and flows, or any bank, marsh, beach, dune, swamp, salt meadow, tidal flat, or other low land subject

to tidal action or coastal storm flowage, and are subject to the provisions of Section 33-11.

TABLE 1

**Open Space Subdistricts Designated in the  
Dorchester Neighborhood District**

Type of Open Space Subdistrict	<u>Name/Location</u>
Cemetery	Cedar Grove Cemetery Codman Burial Ground North Dorchester Burial Ground
Community Garden	Barry Street Community Garden 32 Bullard St. Community Garden 33 Bullard St. Community Garden Greenwood Community Garden 10 Josephine St. Community Garden 29 Josephine Community Garden Nightingale Community Garden Nonquit Community Garden Norton Stonehurst Community Garden Torrey Street Community Garden Wheatland Ave. Victory Garden
Parkland	Allen Park Andrew Square Algonquin Square Centervale Park Columbia Rd. Triangle Codman Square Coppens Square Everett Square Florida St. Reservation Fields Corner Island Gallivan/Hallet Circle Harbor Point Park John W. McCormack Kane Square Mt. Bowdoin Green O'Donnell Square Olson Square Peabody Square Rainbow Park Tremlett Square Wellesley Park Vose Square Table1 –Continued



	Andrew Henry Park
Recreation	Adams-King Playground Byrne Playground Conley & Tenean Street Park Corbit Park Cronin Park Deer St. Park Doherty-Gibson Playground Dorset St. Tot Lot Downer Ave. Playground Garvey Playground Hemenway Playground Malibu Beach Martin (Hilltop) Playground McMorrow Playground Meany Park Miranda Park Mullen Square O'Donnell Square Olson Square Penn Central Easement-Neponset. & Expway Port Norfolk Park Quincy/Stanley Play Area Richardson Park Ripley Playground Robert Playground Ronan Park R.O.W. Shores-Neponset & Expway Ryan Play Area Savin Hill Park Tenean Beach Toohig Playground Town Field Ventura Playground Walsh Playground
Shoreland	Pope John Paul II Park
Urban Wild	Adams Rock Alexander's Garden Boston Gas Co. Easement- Victory Rd. Calf Pasture Eldon St. Fernald Terrace Rock Table 1 – Continued

Geneva Avenue Cliffs  
Granite Avenue Ledge  
Hallet St. Brook  
Hilltop St.  
Keystone Shoreline  
Meetinghouse Hill Overlook  
O.G. Kelly  
Patten's Cove  
Roseclair St. Garden  
R & S Machine Co.  
Savin Hill Cove  
School Boy Track  
Taylor St

## REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

**SECTION 65-28. Establishment of Areas within Which Planned Development Areas May Be Permitted.** Planned Development Areas (“PDAs”), as described in Section 3.1A.a, are permitted within the South Bay Community Commercial Subdistrict and the Applegrove Conservation Protection Subdistrict. PDAs are not permitted elsewhere in the Dorchester Neighborhood District.

The purposes of establishing the Planned Development Areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Dorchester community, including the creation of new job opportunities; to encourage economic development in the South Bay Community Commercial (“CC”) Subdistrict; and to protect the significant open space and significant natural features of areas within the Applegrove Conservation Protection Subdistrict (“CPS”).

### Section 65-29. **Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR), and number of Dwelling Units per acre for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

Dorchester Neighborhood District Planned Development Areas Maximum Building Heights, Floor Area Ratios (“FAR”), and Number of Dwelling Units Per Acre			
<u>Area</u>	<u>Maximum Building Height</u>	<u>FAR</u>	<u>Maximum No. of Dwelling Units/Acre</u>
South Bay CC Subdistrict	65’	3.0	N/A
Applegrove CPS	45’	0.5	4.5/acre on any lot containing fewer than 15 acres; otherwise 8/acre

Section 65-30. **Planned Development Area Review Requirement.** See Article 80 concerning the applicability of Planned development Area (“PDA”) review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in PDAs.

Section 65-31. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirements of Section 80C-4 (Standards for Planned Development Area Review Approval) for consistency with the applicable planning and development criteria of this Article if the Development Plan provides for public benefits, including one or more of the following: (a) diversification and expansion of Dorchester’s economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings, and the enhancement of existing open space or the creation of new open space.

## REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

Section 65-32. **Establishment of Neighborhood Design Overlay Districts.** This Section 65-32 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to all or portions of certain subdistricts within the Dorchester Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods, which give Dorchester its unique architectural character. While development of housing within these Neighborhood Design Districts is encouraged, new construction or rehabilitation that preserves and complements the character of the existing housing stock will enhance the historic quality of these neighborhoods.

The following Neighborhood Design Overlay Districts are established:

1. Ashmont Hill Neighborhood Design Overlay Design District. Ashmont Hill is an architecturally-distinguished neighborhood of Shingle Style, Queen Anne, and Colonial Revival residences dating from c. 1870-1915. Several fine examples of the work of nationally significant Dorchester architects Edwin J. Lewis, Jr. and John A. Fox are represented within these boundaries. During the late 19th century, Ashmont Hill developed as a "railroad suburb" of well-to-do businessmen. Additionally, a genteel colony of artists took root on Ashmont Hill during the late Victorian era, including the important American Impressionist Edmund Tarbell, photographer Chansonetta Stanley Emmons, painter Frank Shapleigh, and architect Harrison Henry Atwood.
2. Carruth Street/Peabody Square Neighborhood Design Overlay District. Carruth Street/Peabody Square is an architecturally- and historically-significant residential district with buildings dating from c. 1875-1915. Much of this area was carved from the estate of mid-19th century Old Colony Railroad president Nathan Carruth. Covering the western slope of Carruth's Hill, this area was developed as an upscale "railroad suburb" during the late 19th century by Nathan's son Herbert S. Carruth, a Metropolitan Parks Commissioner. This neighborhood is a showcase for the work of the leading Boston architects of the period, including Edwin J. Lewis, W. Whitney Lewis, A. Warren, Joseph Green, and others. Additionally, William Grueby, a dominant figure in the history of the American Arts and Crafts movement, lived in the neighborhood during the 1890s.
3. Codman Square Neighborhood Design Overlay District. Codman Square is an excellent case study in the development of a commercial/religious/municipal center within an emerging Boston streetcar suburb. Representing the geographical center of Dorchester, Codman Square was originally called Baker's Corners. It was named Codman Square in 1848, in memory of the Rev. John Codman.
4. Jones Hill Neighborhood Design Overlay District. Jones Hill presents a hilltop enclave of commodious, well-preserved Shingle Style, Queen Anne, and Colonial Revival residences dating from c. 1870-1910. This area encompasses the work of architect/builder Sylvester Parshly, Henry J. Preston, and Henry Vaughan. The Jones Hill Neighborhood has significant historical associations with Samuel Downer, the inventor of Kerosene, Joseph Houghton, the "Lead King " of Boston's Chadwick Lead Works, and William Monroe Trotter, an early 20th century advocate for Afro-American

civil rights, who was editor of the influential newspaper, *The Guardian*, and co-founder, along with W. B. Dubois, of the Niagra Movement, later the NAACP.

5. Lower Mills West Neighborhood Design Overlay District. Lower Mills West qualifies as a remarkably intact area of Federal, Greek Revival, and Italianate houses that were built for cabinet makers, varnishers, planers, and others associated with the furniture manufacturing and building trades. Additionally, a number of this neighborhood's residents were employees of the Baker Chocolate Company, Stephen Badlam furniture manufactory, Crehore Playing Card manufactory, and other commercial concerns bordering the Neponset River. Although the small shops of these workers have disappeared from house lots, modest dwellings with landscape features such as mature trees, ample lawns, and granite gate posts provide a glimpse of a middle-class artisan/factory worker's quarters that evolved between the Revolutionary and Civil Wars.
6. Meeting House Hill Neighborhood Design Overlay District. This area contains an important collection of Federal style dwellings, pockets of Greek Revival farm houses, and an enclave of substantial Italianate/Mansard, Queen Anne, and Colonial Revival residences. Dorchester Common and vicinity retains the physical appearance of a 19th century New England town center with a green, Colonial Revival First Parish Church (late 1890s), Civil War Soldiers Monument (obelisk, 1867), and the Mather School (early 1900s).
7. Melville Avenue/Wellesley Park Neighborhood Design Overlay District. The Melville Avenue/Wellesley Park Neighborhood is an area of unusually ornate Stick Style, Queen Anne, Shingle Style, and Colonial Revival residences. The domestic architecture of Boston City architect Arthur H. Vinal is showcased in the vicinity of the Allston/Melville Avenue intersection, including Vinal's own home on Melville Avenue (1882). This area is noteworthy for its landscaped park "squares": oval and elliptical lawns and median strips like Wellesley Park and Centerville Park, respectively, which are surrounded by well-crafted Late Victorian-era residences.
8. Savin Hill Neighborhood Design Overlay District. Savin Hill is noteworthy for its high-quality housing stock. Savin Hill was the first landing place of the company of English settlers from the *Mary and John* as well as the site of the first permanent settlement in Dorchester in 1630. Isolated from the rest of Dorchester by highways, water and parkland, this area encompasses stylish and substantial residences dating from the mid-1840s through the 1880s.
9. Uphams Corner Neighborhood Design Overlay District. Uphams Corner encompasses an architecturally-significant concentration of late 19th and early 20th century commercial, ecclesiastical, and, to a lesser extent, residential structures. This area's buildings are overwhelmingly constructed of masonry materials and present the decidedly urban image of a small city's "downtown" or commercial district. Known in the eighteenth century as Cemetery Corner, the oldest man-made site at Uphams Corner is Dorchester's North Burying Ground (1634). Uphams Corner was named after Amos Upham (1788-1879), a merchant who kept a dry goods store in the square for many years.

10. Bellevue/Glendale Neighborhood Design Overlay District. Bellevue/Glendale is an intact concentration of Stick Style residences. The Greek Revival, Italianate, Italianate/Mansard, and Queen Anne styles are also represented within the boundaries of this area. The earliest development in the Bellevue/Glendale area is Payson Avenue, a narrow way that was subdivided for the construction of Greek Revival facade gable houses with perpendicular wings during the 1850s. This area's primary architectural treasure is its collection of well-preserved, c. 1880 Stick Style houses bordering Ware and Trull Streets. During the 1890s, substantial, well-detailed Queen Anne/Colonial Revival residences were built along Bellevue Street on lots carved from the Henry Nazro estate.
11. Cedar Grove/Richview Neighborhood Design Overlay District. Cedar Grove/ Richview consist of three contiguous historic resources: the Luther Briggs, Jr.- designed Cedar Grove Cemetery, the residential enclave encompassing Hillsdale and Richview Streets, and Dorchester Park. The Richview residential section is a showcase for moderate-to-substantial housing stock, exhibiting combinations of turn-of-the-century Queen Anne, Shingle, and Colonial Revival styles along with Craftsman housing dating to the World War I era. Cedar Grove Cemetery (1868) possesses a Mt. Auburn-like system of meandering paths. Together with Dorchester Park (early 20th century), these open spaces provide a glimpse of the marshland, meadows, and gently rolling hills characteristic of southern Dorchester before intensive, post-1890 development.
12. Mill Street/Clam Point Neighborhood Design Overlay District. Architecturally, the Mill Street/Clam Point area is most noteworthy for its collection of substantial Italianate and Italianate/Mansard residences. A number of these houses retain ample lots, stables, granite gateposts, and mid-Victorian driveway configurations. Indeed, this area might be said to have the most cohesive, intact collection of mansion-scale, mid-19th century housing in Dorchester. Clam Point has significant historical associations with the important mid-19th century architect Luther Briggs, who designed several houses. Briggs is credited with the layout of Mill, Ashland, Park, Beach, and Everett Streets.
13. Lower Mills East Neighborhood Design Overlay District. Lower Mills East presents an architecturally- and historically-significant residential district with a handful of Greek Revival and Italianate houses pre-dating 1860. The bulk of its housing stock was constructed between 1870 and 1915. Until as late as the 1870s, Lower Mills East was open farmland despite its proximity to the industrial section of Lower Mills. During the mid-19th century, this area was divided among a handful of families, including members of the Swan and Pope clans. Italianate residences, together with landscape elements such as mature trees, side driveways, and belvedere-topped barns capture the Currier and Ives-like flavor of the Lower Mills area during the mid-19th century.
14. King Square Neighborhood Design Overlay District. King Square presents architecturally- and historically-significant residences representing a wide range of construction dates and architectural styles (c. 1780-1920). Particularly noteworthy is the Vinson family's Dix Street development of c. early 1870s Italianate/Mansard residences. This is the most extensive contiguous representation of residences of this style and scale in Dorchester, encompassing numerous residences on Dix Street as

well as Adams Street. Additionally, an architecturally-memorable node of Queen Anne residences developed around the Adams Street/Neponset Avenue intersection known as King Square. This area also encompasses an important grouping of Queen Anne/Colonial Revival triple-deckers dating from c. 1918-1920.

15. Mount Bowdoin Neighborhood Design Overlay District. Mount Bowdoin is a hilltop area of houses that encompass Greek Revival, Italianate, and Mansard cottages dating from c. 1840-1870, as well as more substantial 1880s and 1890s Queen Anne residences. This area's most compelling landscape feature is the oval park containing 25,170 square feet at the apex of the hill known as Mount Bowdoin. This green space is surrounded by single- and multi-family residences which, despite alterations to the urban fabric in some cases, still convey a sense of the upscale residential community that developed here during the second half of the 19th century. Bowdoin Avenue is the main focus of architectural interest. The earliest housing still extant is clustered near the center of this thoroughfare, on the southwest slope of Mount Bowdoin. Mount Bowdoin was named for James Bowdoin, the Revolutionary War patriot and governor of Massachusetts during the late 1780's. Bowdoin summered on this hill during the mid-to-late-18th-century. In 1836, the Bowdoin estate on Mount Bowdoin was subdivided into 90 house lots. Beacon Hill architect Cornelius Coolidge was responsible for this plan, while the surveyor was Thomas M. Moseley. The introduction of the Midland Railroad to this area in 1870 triggered a wave of commuter house construction, including handsome Queen Anne houses on Eldon Street and Mount Bowdoin Terrace.
16. Pleasant Street North Neighborhood Design Overlay District. The Pleasant Street North area is the most representative of all types of housing built in Dorchester over three centuries. Ranging from the Blake House of 1650 through present-day dwellings, and including Federal farm houses along Dorchester Avenue, Greek Revival residences, Italianate dwellings, Mansard houses, Queen Anne and Colonial Revival mansions, and late 19<sup>th</sup> to early 20<sup>th</sup> century triple-deckers, the story of Dorchester's architectural development over time is encompassed within this area. The Pleasant Street North area is of enormous significance in Dorchester's history, as it is one of the areas of first settlement in the 1630s. Pleasant Street is particularly noteworthy as a thoroughfare lined with stylish and substantial residences representative of a wide range of periods of development and architectural styles including mid-19<sup>th</sup> century Greek Revival, Stick/Queen Anne, and full-blown Colonial Revival houses with monumental porticos.
17. Port Norfolk Neighborhood Design Overlay District. This area is a coastal community containing an interesting collection of Greek Revival and Italianate dwellings, as well as an industrial complex associated with the mid-to-late-19<sup>th</sup>-century Putnam Nail Co. and Lawley Ship Yard. The coming of the Old Colony Railroad to Dorchester in 1844 opened Port Norfolk up to residential and commercial development. Luther Briggs, the noted mid-19th-century architect, was hired by Edward King, the president of the Neponset Wharf Company, to survey and lay out lots along Pine Neck Road, now Walnut Street. Briggs went on to extend new streets on the neck including Fulton (Lawley Street), High (Port Norfolk Street), and Taylor Streets. The present Port Norfolk street system was more or less in place by 1859. Briggs is credited with the construction of several houses in the Port Norfolk Area, including Italianate townhouses and his own Greek Revival home.



18. St. Margaret's/Boston Street Neighborhood Design Overlay District. This area contains a diverse collection of historic resources ranging from the mid-18<sup>th</sup>- and early-19<sup>th</sup>-century Clapp Houses, through c. 1828-1850, modestly-scaled, minimally-ornamented wooden houses, to an impressive and cohesive group of triple-deckers.
19. St. Mark's /Mather St. Neighborhood Design Overlay District. The St. Mark's/Mather St. Neighborhood contains a rare surviving mid-19<sup>th</sup>-century institutional building known as the Industrial School for Girls (c. 1850s). It also contains the Gothic Revival, Brigham Coveney and Bisbee-designed, St. Marks Roman Catholic Church (1915) and associated rectory, convent, and school buildings. The housing in this area might have otherwise been included almost as an afterthought to provide a context for the church and charitable school, but, as it turns out, it encompasses some architecturally-significant late 19<sup>th</sup>-/early-20<sup>th</sup>-century housing. Particularly noteworthy are the Queen Anne/Colonial Revival triple-deckers. Dating to the 1920s, the gable-front, late Queen Anne duplexes form a memorable backdrop to the St. Marks Church complex. Mather Street is a street lined with architecturally-significant residences dating from the mid- to late-19th century.

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80. All use, dimensional, and other provisions of this Article applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts. The Neighborhood Design Overlay Districts are located as designated on the maps establishing the Dorchester Neighborhood District.

Section 65-33. **Boston Landmarks Commission Review Requirement.** Any Proposed Project within a Neighborhood Design Overlay District is subject to review by the Boston Landmarks Commission, as set forth in this Section 65-33. Within five (5) days of its receipt of the application, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Landmarks Commission for its review. The Boston Landmarks Commission may, within thirty (30) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the design guidelines set forth in Section 65-37.2 of this article. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Landmarks Commission report with recommendations, provided that if the Boston Redevelopment Authority has not received such report within thirty (30) days, it may transmit the Director's certification to the Inspectional Services Department without such report.

## REGULATIONS APPLICABLE IN GREENBELT PROTECTION OVERLAY DISTRICTS

Section 65-34. **Establishment of Greenbelt Protection Overlay Districts.** This Section 65-34 establishes a Greenbelt Protection Overlay District ("GPOD") in the Dorchester Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines shown on Maps 5A, 5B, 5C, and 5E are designated as Greenbelt Protection Overlay Districts:

1. Morrissey Boulevard GPOD

Any lot within a GPOD is subject to the provisions of this Article and Code applicable to the subdistrict within which it is located and to the provisions of Article 29 (Greenbelt Protection Overlay District).

## REGULATIONS APPLICABLE IN WATERFRONT LOTS OVERLAY DISTRICTS

SECTION 65-35. **Waterfront Lots.** The provisions of this Section 65-35, and those of Section 65-36, shall apply to any Waterfront Lot within the Dorchester Neighborhood District.

1. Definitions. For purposes of this Article, "Waterfront Lot" means the following Lots within the Dorchester Neighborhood District and located between the water and Lawley Street, Ericsson Street, Walnut Street (except south of Water Street), and Taylor Street: 74 Lawley Street; 6-30 Ericsson Street; 119-179 Walnut Street; 11-105 Taylor Street; and 476-498 Neponset Avenue. "Waterfront Yard" means, with regard to any Waterfront Lot, the yard, or portion thereof, adjacent to and landward of the water.
2. Waterfront Yard. Except where this code requires a greater rear or side yard, the minimum Waterfront Yard of any Waterfront Lot shall average at least twenty-five (25) feet in depth and shall be at least twenty (20) feet in depth at all points. The depth of the Waterfront Yard shall be measured perpendicular to the existing mean high tide line, provided, however, that in the case of irregularities in such line, such projections, curves or chords may be used as are necessary to achieve a reasonably regular landward boundary of the Waterfront Yard in relation to the general pattern of Waterfront Yards on adjoining lots.
3. Buildings and Structures. No building or structure shall be located in any Waterfront Yard, except drydocks, enclosed or covered wet dock sheds, piers, pilings, boat ramps, bulkheads, davits, hoists, mast markers, walkways, landscape furniture, and similar structures which, for practical or operational reasons, must be located at or on the water, or provide access to or amenities for the water.
4. Setback of Off-Street Parking and Storage Areas. Off-street parking and storage areas shall be set back from the mean high tide line a minimum of twenty-five (25) feet.
5. Enhanced Floor Area Ratio. In order to promote the purposes of this article, including, but not limited to, enhancement of public open space and public visual access to the waterfront and protection of environmental features in the district, an applicant may request the Board of Appeal to grant any Proposed Project on a Waterfront Lot an enhancement of the allowed floor area ratio (FAR) for such Lot, in an amount not to exceed twenty percent (20%) of the allowed FAR. The Board of Appeal may grant such enhanced FAR only if it finds that: (a) any negative effects of increased density or intensity attributable to the enhanced FAR of the Proposed Project, including, but not limited to, negative effects on public visual access to the water, public open space, or environmental features in the district, are mitigated to a reasonable extent; and (b) the public benefits of such Proposed Project outweigh any burdens imposed. The procedure for granting such enhanced FAR shall be in

accordance with the provisions of Article 6.

**SECTION 65-36. Development Review for Waterfront Lots.** To ensure that development on Waterfront Lots within the Dorchester Neighborhood District is consistent with the purposes of this article, Large Project Review is required for certain Proposed Projects on Waterfront Lots. To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2.3 (Applicability of Large Project Review: Harborpark) and Article 2A (for the definition of "Harborpark").

a. Standards for Approval. In determining compliance with the requirements of Section 80B-4 (Standards for Large Project Review Approval), the Boston Redevelopment Authority shall determine whether the Proposed Project provides to a degree consistent with a reasonable use of the site: (a) adequate protection of adjoining premises against detrimental or offensive uses on the site; (b) convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements; (c) adequate methods of (i) disposal for sewage, refuse, and other wastes resulting from the uses proposed for the site, and (ii) drainage for surface water; (d) adequate space for off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment; (e) adequate protection against detrimental effects on view corridors and environmental resources and amenities; and (f) orientation and design of principal buildings and related site improvements that protect and create views of the water from principal public view points and streets. Special environmental resources such as wetlands and marshes shall be protected, and shoreline improvements shall protect waterfront properties while protecting natural habitats.

## REGULATIONS GOVERNING DESIGN

### SECTION 65-37. **Design Review and Design Guidelines.**

1. Applicability of Design Review. To ensure that growth in the Dorchester Neighborhood District is compatible with the character of the existing buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component) and this Section 65-37.1. In addition to those Proposed Projects described in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review, pursuant to paragraph (b)(iv) (Design Review Required by Underlying Zoning) of said section 80 E-2.1:

- (a) Certain Projects in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, any Proposed Project for the erection or extension of a Building with a Gross Floor Area of five hundred (500) or more square feet, or for an exterior alteration affecting five hundred (500) or more square feet of a Building facade, if such new Building, extension, or façade alteration is visible from any public street or public open space;
  - (b) Certain Projects in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, any Proposed Project for the erection or extension of a Building with a Gross Floor Area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or façade alteration is visible from any public street or public open space; and
  - (c) Certain Signs. The erection, extension, or alteration of any internally-lit Sign not located inside a Building.
2. Design Guidelines. This Section 65-37.2 establishes the following general design guidelines for the Dorchester Neighborhood District:
  1. Site Plan.
    - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
    - (b) Vehicular access to and egress from a site should minimize traffic impacts on adjacent roadways and provide visual access for drivers and

pedestrians.

- (c) Parking, storage, and disposal areas, and the entrance to accessory parking within a main building, should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make this necessary. Unless this is not practicable, such areas should be located behind buildings. Parking, storage, and disposal areas shall be adequately screened from public view by suitable fencing and vegetation.
- (d) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.

## 2. Design and Architecture.

- (a) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. In this regard, applicants are encouraged to consult the reference work, "A Pattern Book of Boston Houses," published by the Department of Neighborhood Department, which is available to the public through the Boston Redevelopment Authority. The removal or alteration of historic architectural features is discouraged.
- (b) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically-distinctive commercial buildings in the surrounding area.
- (c) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, unless this is not practicable or appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, unless this is not practicable or appropriate, on accurate duplication of original features of the building to be rehabilitated, or those of other buildings of the same style and period.
- (d) Contemporary design for residential structures is allowed, provided that such design is compatible with the size, materials, and character of the surrounding neighborhood environment.
- (e) New residential construction should reflect the traditional location and

relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of facades to the neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the primary entrance should face the street. The location of the building(s) should respect significant landscape features on the site, as well.

- (f) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (g) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and encourage an active street life. Blank walls without windows facing onto pedestrian areas should be avoided to the extent practicable in building design. Consistency with established local structures should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (h) Storefronts and display windows should be designed to be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained. (Refer to Section 65-38 of this Article.)
- (i) Setbacks, corner treatments, and other design details should be used where appropriate to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (j) Roofs of buildings should be designed and screened to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (k) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally-lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located

inside the sign are not visible through the face of the sign. (Refer to Section 65-40 of this Article.)

- (l) If a security grate is to be used on a building, it should be a grille rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the building, unless this design is impracticable, and if it must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the facade.
- (m) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

3. Landscape.

- (a) For industrial buildings, where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer. (Refer to Section 65-39 of this Article.)
- (b) Buildings should be sited so as to respect significant landscape features on the site.
- (c) Landscaping and screening should be used to make the Neighborhood Business and Local Industrial Subdistricts more attractive, and to provide screening between business, industrial, and residential uses.

SECTION 65-38. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 65-38 shall apply to Proposed Projects within those subdistricts specified in this Section, except to the extent that provisions for Street Walls and Display Windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section.

- 1. Street Wall Continuity in Certain Subdistricts. This Section 65-38.1 shall apply within the Multifamily Residential/Local Services Subdistricts, Neighborhood Business Subdistricts, and the Local Industrial Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.
  - (a) Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. In the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts, each newly-constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the



Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

- (b) Street Wall Continuity in Local Industrial Subdistricts. In the Local Industrial Subdistricts, each newly-constructed or relocated Street Wall shall be built at a depth from the Street Line that is the greater of (i) the required depth of the vegetative buffer required by Section 65-39 of this Article (Screening and Buffering), or (ii) six (6) feet.

Except as otherwise provided in this Section 65-38.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or fewer shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Oriel or bay windows may extend up to five (5) feet from the Street Wall plane, provided that such windows do not exceed more than forty percent (40%) of the Street Wall plane.

- 2. Display Window Area Regulations in Neighborhood Business and Multifamily Residential/Local Services Subdistricts. This Section 65-38.2 shall apply in the Neighborhood Business Subdistricts and Multifamily Residential/Local Services Subdistricts to any Proposed Project for the uses specified in this Section. For the purposes of these Display Window Area Regulations, the term "Display Window Area" shall mean the area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story Structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 65-38.2(a) to be transparent glazing shall not be more than thirty percent (30%) obstructed by signs on or behind such glazing.
  - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

- (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements, provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use, as the case may be, conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 65-38.2 (a) to be transparent glazing shall not be obstructed by a solid, opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates shall be integrated into the design of the storefront. Unless not practicable, security grates shall be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate shall be concealed in an appropriate manner.

**SECTION 65-39. Screening and Buffering Requirements.** In order to enhance the appearance of the Dorchester Neighborhood District's commercial and industrial subdistricts, and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 65-39 shall apply to those Proposed Projects described in this Section, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict abuts (a) a public park,

or (b) a Residential Subdistrict or Residential Use, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict, or use, a strip of shrubs and trees densely planted along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line of a Neighborhood Business Subdistrict abutting a public street or public park, the fence type must be a metal picket fence. The height of the fence shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking or service area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, or (e), in the case of a Lot located in a Waterfront Service Subdistrict, any such facility or area that is visible from the water, shall be screened from view as provided in this Section 65-39.2a. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall be no more than percent (50%) opaque, and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height, and shall contain trees of no less than three (3) inches caliper planted no more than 15 feet apart.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Interior Landscaping of Parking Areas. Parking areas must be broken up with landscaping by planting a landscape island on the interior of parking areas. Parking areas along the perimeter must be broken up with landscaping by providing a landscape island with a minimum of one (1) deciduous tree and five (5) evergreen shrubs in a planting area no less than five (5) feet by ten (10) feet to be provided after every ten (10) contiguous parking spaces. Parking areas not along the perimeter must have a landscape island with a minimum of one

(1) deciduous tree and five (5) evergreen shrubs in a planting area no less than five (5) feet by ten (10) feet to be provided after every ten (10) contiguous parking spaces.

4. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 65-39.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 65-39.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be surrounded by an opaque wall or fence sufficiently high to provide effective screening from view.
5. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be located in the center of the roof and be painted to blend with adjacent or nearby building materials, or shall be screened by wood, brick, or similar material.
6. Materials for Screening Walls and Fences. Screening walls and fences shall be made of one or more materials, such as masonry (piers or walls), metal pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with opaque slats woven through it, or board-type wood. The use of chain link fencing is discouraged, except on small areas not facing a public street or public park. The use of Plywood sheeting is not allowed. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
7. Specifications for Plantings. Shrubs required by this Section 65-39 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs shall be retained unless this is not possible. The use of bulbs, perennials, and annuals is also encouraged.
8. Maintenance of Landscaped Areas. Landscaping required by this Section 65-39 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to

obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section.

## MISCELLANEOUS PROVISIONS

**SECTION 65-40. Sign Regulations.** The provisions of this Section 65-40 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply in the Multifamily/Local Services Subdistricts, the Neighborhood Business Subdistricts, and the Local Industrial Subdistricts:

1. Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall used to measure the Sign Frontage.

The bottom of any such Sign shall be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall shall be located within such band unless this location is impracticable.

2. Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face.
3. Free-standing Signs. Free-standing Signs shall be allowed only for (a) uses located in a Community Commercial Subdistrict, and (b) Gasoline Stations. Where such free-standing Signs are allowed, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (a) fifteen (15) square feet, if there is one use on the Lot, or (b) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade, nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
4. Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence as of the effective date of this Article, is forbidden in the Dorchester Neighborhood District.
5. Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed

the Sign Frontage multiplied by two (2).

6. Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**SECTION 65-41. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to, or has elected to comply with, Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table F, and the minimum required off-street loading spaces are set forth in Table G.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
  - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 65-41. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the Side Yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
  - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 65-41 shall be provided on the same Lot as the main use to which they are accessory, provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice

and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; or (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.

- (c) After public notice and hearing, and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types, provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
- (d) The off-street parking spaces required by this Article for a Dwelling Unit shall be used by the vehicles for which such parking spaces are required.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces in the number specified by this Article, appropriate maneuvering areas and means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.
- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
- (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
- (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.



6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

#### **SECTION 65-42. Application of Dimensional Requirements.**

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a one-family Dwelling, two-family Dwelling, or three-family Dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to have been met.
5. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 65-42. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from

the intersection of such line with another Street.

6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to have been met.
7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
8. Accessory Buildings in Side or Rear Yards. Accessory Buildings may be erected in a Side or Rear Yard, provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any Side or Rear Lot line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to have been met.
10. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot, provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
12. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by

this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.

13. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building, and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met.
14. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 65-43. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 65-44. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 65-45. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 65-46. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 65-47. **Tables.** The following tables are hereby made part of this Article:

<u>Tables A - B</u>	<u>Use Regulations</u>
A	- Residential Subdistricts
	- Conservation Protection Subdistricts

- B - Neighborhood Business Subdistricts
- Community Facilities Subdistricts
- Local Industrial Subdistricts
- Waterfront Service Subdistricts

Tables C - E                      Dimensional Regulations

- C - Residential Subdistricts
- D - Community Facilities Subdistricts
- Neighborhood Business Subdistricts
- Local Industrial Subdistricts
- Waterfront Service Subdistricts
- E - Conservation Protection Subdistricts

Tables F - G                      Parking and Loading Regulations

- F - Off-Street Parking
- G - Off-Street Loading